

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHERIDAN STILES,

Plaintiff,

v.

PROCTER AND GAMBEL COMPANY,

Defendant.

No. 2:23-cv-00474 DAD AC

ORDER

Pending before the court is the matter of case scheduling. This is one of five related cases pending cases: (1) American Int'l Industries v. Stiles, 2:19-cv-1218 ("Lead Case"), and (2) Stiles v. Target Corp., 2:19-cv-2144, (3) Stiles v. CVS Pharmacy, 2:19-cv-2145, (4) Stiles v. Wal-Mart Stores Inc., 2:19-cv-2146, and (5) Stiles v. Proctor & Gamble, Co., 2:23-cv-0474 (collectively, "Retail Cases"). Each of these open cases is related to a closed case: Stiles v. Walmart, Inc., et al., 2:14-cv-02234. The 2014 case involves claims of infringement upon Sheridan Stiles' U.S. Utility Patent No. 9,108,329 ("the '329 Patent"). The accused products for the patent claims in the 2014 case are personal razor products, including particularly the product of American International Industries (AII) that is generally referred to by the short name "Ardell Precision Shaper." In the 2014 case, the Court granted AII's and Walmart's Motions for Partial Summary Judgment, with the effect of dismissing all of Stiles' claims. 2014 Action, ECF 588, at p. 37. Most notably here, the Court agreed with AII that the Ardell precision Shaper did not infringe the '329 Patent. Judgment was entered against Stiles on March 30, 2023, and the 2014 case is now

1 closed. Each of the currently active cases were initially stayed pending the resolution of the 2014
2 action.

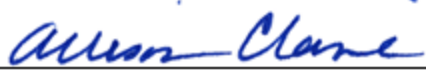
3 Now before the court is the matter of scheduling the active cases. A status conference
4 took place on April 10, 2024, with all parties present via Zoom. At the conference, plaintiff
5 American International Industries represented that it intends to bring a dispositive motion in the
6 Lead Case for which no additional discovery is required, and it believes that this motion will have
7 a preclusive effect on the related Retail Cases. Plaintiff expressed her desire for a trial by jury,
8 and the court explained that motions practice would occur first, and then a jury trial would be
9 scheduled if necessary. The parties also noted that they are scheduled for a settlement conference
10 with Magistrate Judge Jeremy Peterson on July 30, 2024. ECF No. 76.

11 Having heard and considered the positions of the parties, the court concludes that the
12 interests of justice and of efficiency are served by setting a deadline for the filing of the
13 anticipated dispositive motion in the Lead Case for after the scheduled settlement conference, and
14 for plaintiff to have 45 days to respond to that motion. In the interest of judicial economy, the
15 parties the scheduling of the Retail Cases will be held in abeyance at this time. Accordingly, the
16 court sets an initial schedule as follows:

- 17 • In the matter of American Int'l Industries v. Stiles, 2:19-cv-1218, plaintiff's motion for
18 summary judgment or summary adjudication is due August 30, 2024. Defendant's
19 opposition or statement of non-opposition is due October 15, 2024. Plaintiff's reply is due
20 October 28, 2024. The matter will be heard on the papers unless the court determines that
21 a hearing is necessary.
- 22 • Scheduling and discovery in the Retail Cases, Stiles v. Target Corp., 2:19-cv-2144; Stiles
23 v. CVS Pharmacy, 2:19-cv-2145; Stiles v. Wal-Mart Stores Inc., 2:19-cv-2146; and Stiles
24 v. Proctor & Gamble, Co., 2:23-cv-0474, is held in abeyance until further notice.

25 IT IS SO ORDERED.

26 DATED: April 10, 2024

27 
28 ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE